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CONTRA COSTA TIMES

Kinder Morgan, air quality district sued by environmental groups over crude oil by rail shipments to Richmond

By Tom Lochner Contra Costa Times

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RICHMOND -- Kinder Morgan and the regional air district have been sued by environmental groups seeking to halt further shipments of crude oil by rail to a Richmond fuel trans-loading facility, pending environmental review.

Kinder Morgan receives crude oil by rail at its Richmond terminal, where it is transferred to trucks, under a Feb. 3 permit from the Bay Area Air Quality Management District.

"We decided that we needed to file this lawsuit because it was a complete sign of disrespect to the people of Richmond on the part of air district staff to decide that this crude by rail project could move forward without any public review," said Andres Soto, Richmond organizer for Communities for a Better Environment, one of the plaintiffs.



Crude oil railway tank cars are photographed with other freight cars in Richmond, Calif, on Friday, March 28, 2014. A group of environmental agencies has filed a lawsuit against the Bay Area Air Quality Management District and a Richmond rail terminal, asking a court to stop further shipments of crude oil to the Kinder Morgan energy company pending an environmental review. (Doug Duran/Bay Area News Group) (Doug Duran)

The destination of the trucks, which take on crude at the Kinder Morgan trans-loading facility near the Burlington Northern Santa Fe tracks off South Garrard Boulevard in Richmond, is confidential, Kinder Morgan spokesman Richard Wheatley has said.

A spokeswoman for the Tesoro Golden Eagle refinery outside Martinez confirmed its facility receives between 5,000 and 10,000 barrels per day of Bakken crude, a light, flammable variety named after oil fields in North Dakota and an adjacent part of Canada. That is about two to four trains per month, and is received through a third-party facility, the spokeswoman, Tina Barbee, said this week. She did not identify the facility.

The lawsuit, filed in San Francisco Superior Court Thursday by Communities for a Better Environment, Asian Pacific Environmental Network, Sierra Club and Natural Resources Defense Council, asks for a preliminary injunction against further crude oil operations at

Kinder Morgan and suspension of the air district permit, pending a full review under the California Environmental Quality Act.



Duran/Bay Area News Group) (Doug Duran)

Vehicles traveling on highway 580 drive past crude oil railway tank cars in Richmond, Calif, on Friday, March 28, 2014. A group of environmental agencies has filed a lawsuit against the Bay Area Air Quality Management District and a Richmond rail terminal, asking a court to stop further shipments of crude oil to the Kinder Morgan energy company pending an environmental review. (Doug

Kristine Roselius, communications manager for the air district, said the agency does not comment on pending litigation. Wheatley, in an email Friday, said the same. The Feb. 3 permit allows Kinder Morgan to operate a "Denatured Ethanol and Crude Oil Bulk Terminal with 4 pumps." It amends a permit the air district issued to Kinder Morgan several years earlier for ethanol, a volatile liquid derived from grain that, among other uses, can be used as fuel or as a fuel additive. The new permit is conditioned on the addition of a vapor balance system.

The Feb. 3 permit, like the original ethanol permit, was issued administratively and without environmental review.

"My concern is that, as a matter of policy, the initial permit to offload ethanol deserved an environmental analysis," said John Gioia, an air district board member and former chairman.

Gioia, a Contra Costa County supervisor whose district includes Richmond, said he could not comment on the pending lawsuit, but added:

"I am also concerned about the potential impacts of Kinder Morgan's operations on the surrounding community and the fact that the implications of this staff-issued permit were not communicated to elected officials."

Staff writer Robert Rogers contributed to this report. Contact Tom Lochner at 510-262-2760. Follow him at twitter.com/tomlochner



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